

Serial No. 10/691,907

In the Drawings:

Enclosed are substitute drawing sheets for Figs. 1 and 2 for entry into the file. Please delete existing Figs. 1 and 2 and replace with the enclosed replacement Figs. 1 and 2.

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REMARKS

This amendment is responsive to the office action dated April 19, 2005.

Claims 1-19 were pending in the application. Claims 1-19 were rejected. No claims were allowed.

By way of this amendment, the Applicant has submitted replacement Figs. 1 and 2. Claims 1-19 remain unchanged.

Accordingly, Claims 1-19 are currently pending.

I. OBJECTION TO DRAWINGS:

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, the Examiner stated that the claimed features of:

*The primary compartment being configured to receive a primary and the secondary compartment to receive a secondary tool*

are not shown in the drawings and therefore the drawings are objected to.

Turning to the specification in connection with drawing Figs. 1 and 2, the Applicant asserts that each and every claimed feature is shown, fully designated and described both in the specification. For clarity the Applicant has amended Paragraph 12 and Figs. 1 and 2 in order to provide additional reference numerals and to illustrate the inner portion of the tubular housing 15. Specifically, the Applicant has made a clarifying amendment to Paragraph 12 and added one reference numeral to Figs. 1 and 2 to further clarify this matter.

Paragraph 12 of the specification reads as follows:

*Turning to Figs. 1 and 2, it can be seen that the flashlight 14 includes an outer tubular housing 15. The flashlight 14 further includes an operational light assembly generally indicated at 16, received and enclosed within a primary interior compartment 17 at one end of the housing 15, and an elongated, flattened display surface 18 adjacent the opposite end of the housing 15. The light assembly 16 is conventional in the art and will be further described below.*

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*The flattened surface 18 near the back of the housing 15 provides a flat area for a secondary compartment in the form of a docking channel 20 into which the pocket knife 12 is received. The flashlight housing 15 further includes a retaining clip 30 at the back end of the housing 15 for selectively providing access to the open rear end of the docking channel 20, and for retaining the pocket knife 12 within the docking channel 20.*

Turning therefore to the claimed elements, it is clear that each element is shown and disclosed in the drawing figures as follows:

a housing (15) having a primary compartment (17), said primary compartment (17) being configured to receive a primary tool (16), said housing (15) including a front end, a back end and a top surface (18); and

a channel (20) forming a secondary compartment in said housing (15) proximate to said back end of said housing (15), said channel (20) ... adapted to slideably receive a secondary tool (12) through said opening in said side wall.

Therefore, the Applicant asserts that all claimed elements are shown, illustrated in the drawings and fully supported. The Applicant asserts that no new subject matter is being added by way of these amendments. Withdrawal of this objection is respectfully requested.

II. REJECTION OF CLAIMS UNDER 35 USC 112:

Claims 5, 6, 11 and 12 were rejected under 35 USC 112, second paragraph as being indefinite and as being incomplete for omitting essential elements. The Applicant has amended Paragraph 12 of the specification and Figs. 1 and 2 as described above. These amendments serve to clarify what the Applicant intended by the terms primary compartment, secondary compartment, primary tool and secondary tool. Based on this clarification, the Applicant believes that Claims 5, 6, 11 and 12 are rendered definite and that all of the essential items are identified. Withdrawal of this objection is respectfully requested.

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**III. STATUTORY DOUBLE PATENTING REJECTION:**

Claims 1-19 were rejected under the doctrine of statutory double patenting over US Patent No. 6,663,257. The Applicant asserts that the present application and the cited '257 patent are commonly invented and owned. The Applicant has prepared a terminal disclaimer and the required fee, both of which are enclosed herein. Based on the filing of this terminal disclaimer, the cited reference has been removed as a basis for rejection. Withdrawal of this rejection is respectfully requested.

**IV. REJECTION OF CLAIMS UNDER 35 USC 102**

Claims 5, 6, 11 and 12 were rejected under 35 USC 102(b), as being anticipated by US Patent No. 6,334,693 (Lee). The Examiner stated that Lee discloses a housing with a front end, a back end a top surface, a channel configured with complementary formations to slidably receive a tool and a closure element.

The present invention in Claims 5, 6, 11 and 12 all include claimed limitations that the housing that is configured to slidably receive a tool into a channel that extends into the rear portion of the housing. The channel further requires an opening at the rear of the housing through which the tool is slid into the channel. The present invention clearly provides an opening in the rear of the housing to receive the pocketknife and a closure element is placed into position at the rear of the housing. By allowing the tool to be slid into the housing from the rear, a small opening is required and a much smaller closure element is necessary to retain the tool in the housing.

Further, the claims require that the housing have a primary housing for receiving a primary tool and a secondary housing for receiving a secondary tool.

By way of contrast, the Lee device includes a channel into which the flashlight tool is placed via an opening in the side of a primary tool. The handle of the primary tool serves as the secondary compartment. There is no primary housing for receiving a primary tool as disclosed and required by the claims of the present invention. A very large opening is provided in the handle of the Lee device which in turn requires a large closure panel. This large operable closure component is easily broken or subjected to damage creating an undesirable feature as compared to the claimed device of the present invention.

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Since the present invention recites claimed subject matter that is not disclosed in Lee, the Lee reference cannot anticipate the present invention under §102(b). Accordingly, this rejection is not believed to be maintainable or applicable. Reconsideration, and withdrawal of the rejection is respectfully solicited.

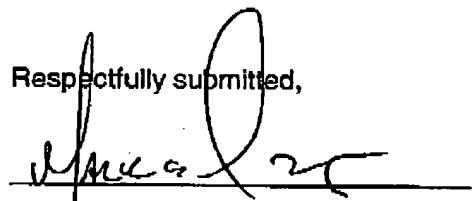
V. CONCLUSION

Accordingly, claims 1-19 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,

  
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